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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FOUR

THE PEOPLE,

Plaintiff and Respondent,

v.

ROBERTO FLETES,

Defendant and Appellant.

B210139

(Los Angeles County
Super. Ct. No. LA058866)

APPEAL from a judgment of the Superior Court of Los Angeles County,
Leland B. Harris and Susan Speer, Judges. Affirmed.

Marta I. Stanton, under appointment by the Court of Appeal, for Defendant and
Appellant.

No appearance for Plaintiff and Respondent.

Roberto Fletes appeals from the judgment entered following the denial of his motion to suppress evidence pursuant to Penal Code section 1538.5, his no contest plea to count 1, possession of a deadly weapon (Pen. Code, § 12020, subd. (a)(1)), and his admission that he suffered a prior conviction for a serious or violent felony within the meaning of the “Three Strikes” law (Pen. Code, §§ 1170.12, subds. (a)-(d) & 667, subds. (b)-(i)). Pursuant to his negotiated plea, he was sentenced to prison for the low term of 16 months, doubled to 32 months by reason of his prior strike conviction, and allegations of having served three prior prison terms within the meaning of Penal Code section 667.5 were dismissed.

The evidence at the preliminary hearing and motion to suppress established that on April 25, 2008, at approximately 6:20 p.m., Los Angeles Police Officer Robert Deltapa was on patrol in the area of Oxnard Street and Farndale Avenue in the County of Los Angeles. As appellant exited a liquor store, he and Officer Deltapa made eye contact and the officer asked him what he was doing in the area. Appellant replied he was buying something from the liquor store. When the officer asked him if he was on probation or parole, appellant stated he was on parole. Officer Deltapa termed the encounter as “consensual.” Appellant was free to leave, the officers “had no lights, nothing activated” and no guns were drawn. When the officer exited his vehicle, appellant stated “All right. I know what to do” or something to that effect and walked to the wall of the liquor store and placed his hands on top of his head. Officer Deltapa asked if it was “okay to search?” and appellant responded, “That’s fine. I know you’re doing your job.” The officer conducted a “quick pat down” and at the same time his partner “[ran appellant] in [their] computer to verify his parole condition.” After learning appellant was on parole with a search and seizure condition, Officer Deltapa and his partner conducted a parole compliance check of appellant’s residence.

Inside appellant’s bedroom, the officers found one or two medicine bottles with marijuana and a collapsible baton. Appellant stated he found the baton and kept it in the house for self-defense. Law enforcement officers are issued that type of baton and it could be used to do damage.

After review of the record, appellant's court-appointed counsel filed an opening brief requesting this court to independently review the record pursuant to the holding of *People v. Wende* (1979) 25 Cal.3d 436, 441.

On December 1, 2008, we advised appellant that he had 30 days within which to personally submit any contentions or issues which he wished us to consider and no response has been received to date.

We have examined the entire record and are satisfied that no arguable issues exist and that appellant has, by virtue of counsel's compliance with the *Wende* procedure and our review of the record, received adequate and effective appellate review of the judgment entered against him in this case. (*Smith v. Robbins* (2000) 528 U.S. 259, 278; *People v. Kelly* (2006) 40 Cal.4th 106, 112-113.)

DISPOSITION

The judgment is affirmed.

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WILLHITE, J.

We concur:

EPSTEIN, P. J.

MANELLA, J.